

1-1 By: Landgraf (Senate Sponsor - Seliger) H.B. No. 2662  
 1-2 (In the Senate - Received from the House May 8, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on Natural  
 1-4 Resources & Economic Development; May 17, 2017, reported  
 1-5 adversely, with favorable Committee Substitute by the following  
 1-6 vote: Yeas 9, Nays 2; May 17, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 2662 By: Seliger

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the Texas Low-Level Radioactive Waste Disposal Compact  
 1-24 waste disposal facility; reducing a surcharge; eliminating a fee.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. (a) Section 401.207(g), Health and Safety Code,  
 1-27 is amended to read as follows:

1-28 (g) The commission shall assess a surcharge for the disposal  
 1-29 of nonparty compact waste at the compact waste disposal  
 1-30 facility. The surcharge is 10 ~~20~~ percent of the total contracted  
 1-31 rate under Section 401.2456 and must be assessed in addition to the  
 1-32 total contracted rate under that section.

1-33 (b) Effective September 1, 2019, Section 401.207(g), Health  
 1-34 and Safety Code, is amended to read as follows:

1-35 (g) The commission shall assess a surcharge for the disposal  
 1-36 of nonparty compact waste at the compact waste disposal  
 1-37 facility. The surcharge is 20 percent of the total contracted rate  
 1-38 under Section 401.2456 and must be assessed in addition to the total  
 1-39 contracted rate under that section.

1-40 SECTION 2. Section 401.208, Health and Safety Code, is  
 1-41 amended by amending Subsections (a), (c), and (e) and adding  
 1-42 Subsection (a-1) to read as follows:

1-43 (a) At least once every four years, the ~~The~~ commission  
 1-44 shall conduct a study on the available volume and curie capacity of  
 1-45 the compact waste disposal facility for the disposal of party state  
 1-46 compact waste and nonparty compact waste.

1-47 (a-1) In order to conduct the study under this section, the  
 1-48 commission may require a generator of low-level radioactive waste  
 1-49 to provide annually:

1-50 (1) information reasonably necessary to evaluate the  
 1-51 adequacy of the capacity of the compact waste disposal facility as  
 1-52 accurately as possible, including the amount in volume and curies  
 1-53 that the generator intends to export or dispose of at a facility  
 1-54 other than the compact waste disposal facility;

1-55 (2) the amount in volume and curies of low-level  
 1-56 radioactive waste that was stored on-site at the generator's  
 1-57 facility in the preceding year; and

1-58 (3) the length of time waste was stored at the  
 1-59 generator's facility.

1-60 (c) The ~~[Not later than December 1, 2016, the]~~ commission

2-1 shall submit a final report of the results of the study to the  
 2-2 standing committees of the senate and the house of representatives  
 2-3 with jurisdiction over the disposal of low-level radioactive waste.

2-4 (e) The commission may conduct a study described by  
 2-5 Subsection (a) at any time [~~after December 1, 2012,~~] if the  
 2-6 commission determines that a study is necessary.

2-7 SECTION 3. (a) Section 401.2445, Health and Safety Code, is  
 2-8 repealed.

2-9 (b) Effective September 1, 2019, Subchapter F, Chapter 401,  
 2-10 Health and Safety Code, is amended by adding Section 401.2445 to  
 2-11 read as follows:

2-12 Sec. 401.2445. STATE FEE. The compact waste disposal  
 2-13 facility license holder each quarter shall transfer to the state  
 2-14 general revenue fund five percent of the gross receipts from:

2-15 (1) compact waste received at the compact waste  
 2-16 disposal facility; and

2-17 (2) any federal facility waste received at a federal  
 2-18 facility waste disposal facility licensed under Section 401.216.

2-19 SECTION 4. Chapter 403, Health and Safety Code, is amended  
 2-20 by adding Section 403.0056 to read as follows:

2-21 Sec. 403.0056. ASSESSMENT OF COMPACT FACILITY BY  
 2-22 LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "compact  
 2-23 facility" has the meaning assigned by the Texas Low-Level  
 2-24 Radioactive Waste Disposal Compact.

2-25 (b) A legislative oversight committee is created for the  
 2-26 purpose of assessing the compact facility.

2-27 (c) The committee is composed of the following members:

2-28 (1) the chair of the House Committee on Environmental  
 2-29 Regulation;

2-30 (2) a member of the house of representatives who  
 2-31 represents the county in which the compact facility is located;

2-32 (3) a member of the house of representatives appointed  
 2-33 by the speaker of the house of representatives;

2-34 (4) the chair of the Senate Committee on Natural  
 2-35 Resources and Economic Development;

2-36 (5) a member of the senate who represents the county in  
 2-37 which the compact facility is located;

2-38 (6) a member of the senate appointed by the lieutenant  
 2-39 governor;

2-40 (7) the chair of the commission; and

2-41 (8) a person appointed by each nonhost party state as  
 2-42 provided by the laws of that state.

2-43 (d) The chair of the House Committee on Environmental  
 2-44 Regulation and the chair of the Senate Committee on Natural  
 2-45 Resources and Economic Development shall serve as co-chairs.

2-46 (e) An appointed member of the committee serves at the  
 2-47 pleasure of the appointing official.

2-48 (f) The committee shall consider and make recommendations  
 2-49 regarding:

2-50 (1) the annual fixed costs incurred by the operator of  
 2-51 the compact facility;

2-52 (2) the party state compact waste disposal fees  
 2-53 established in rule by the Texas Commission on Environmental  
 2-54 Quality in accordance with Section 401.245;

2-55 (3) the contract review process as carried out by the  
 2-56 Texas Commission on Environmental Quality;

2-57 (4) the relationship between the state, party state  
 2-58 generators, and operator as it relates to the operation of the  
 2-59 compact facility;

2-60 (5) the contingency plan required under the Texas  
 2-61 Low-Level Radioactive Waste Disposal Compact;

2-62 (6) the need for and effects of fees and surcharges  
 2-63 assessed for disposal of waste in the compact facility, including  
 2-64 the fees and surcharges assessed under the following sections:

2-65 (A) Section 401.052(b)(5);

2-66 (B) Section 401.207(g);

2-67 (C) Section 401.245; and

2-68 (D) Section 401.246(a)(6);

2-69 (7) the cost of a state-run compact facility and the

3-1 effect a state-run facility would have on rates and generators in  
3-2 compact states; and

3-3 (8) any other matters the committee determines are  
3-4 relevant to the compact facility and oversight of the compact  
3-5 facility.

3-6 (g) The committee may request reports and other information  
3-7 from the commission and the Texas Commission on Environmental  
3-8 Quality as necessary to carry out this section.

3-9 (h) Not later than December 1, 2018, the committee shall  
3-10 submit a final report of the results of the assessment to the  
3-11 committees of the senate and the house of representatives with  
3-12 jurisdiction over the disposal of low-level radioactive waste.

3-13 (i) The committee is abolished and this section expires  
3-14 December 31, 2018.

3-15 SECTION 5. The Texas Commission on Environmental Quality  
3-16 shall submit the first report required under Section 401.208,  
3-17 Health and Safety Code, as amended by this Act, not later than  
3-18 December 1, 2020.

3-19 SECTION 6. This Act takes effect immediately if it receives  
3-20 a vote of two-thirds of all the members elected to each house, as  
3-21 provided by Section 39, Article III, Texas Constitution. If this  
3-22 Act does not receive the vote necessary for immediate effect, this  
3-23 Act takes effect September 1, 2017.

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